

REMARKS

Reconsideration and reversal of the rejections presented in the Office Action dated August 15, 2005 are respectfully requested in light of the following.

Claims 1-24 are solicited, wherein claims 1, 12, and 18 are presented in independent form.

In the aforementioned Office Action, the Examiner rejected claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,653,562 to Moss et al. (hereinafter "Moss et al.").

Initially, it is noted that the Examiner has failed to particularly point out those elements in Moss et al. which he believes corresponds to the recited structure in the solicited claims. Moreover, as detailed below, applicants fail to see the elements of claims 1-24 disclosed within Moss et al.

Moss et al. discloses an open air wire screen structure or safety guard including attachment rails 18 and 22 designed for temporary and reusable placement in the window channels of motor vehicles. The top rail 18 has a double channel 19-20 and an upright fin 21 above the double channel 19-20. The bottom rail 22 has an double channel 23-24 and a single channel 26 below double channel 23-24 (Figs. 9 and 10). The safety guard is attached to an existing vehicle window channel in such a manner that the single channel 26 of the bottom rail 22 is placed onto the upper edge of the open window glass, and the upright fin 21 of the top rail 18 is positioned to insert into the upper window channel. Moving the window glass slightly upward secures the upright fin 21 into the upper window channel (Col. 3, lines 50-57).

Independent claim 1 recites, *inter alia*, a window barrier comprising a first securing member configured to releasably secure the upper frame member to the door, the first securing member including a retaining portion configured to operably couple with the door trim and positioned in spaced relation to the window channel. This element is clearly missing in Moss et al. More particularly, the upper rail 18 of Moss et al. includes an upright fin 21 which is positioned to insert into the upper window channel. The Moss et al. window safety guard is configured to be positioned only within an open window and is secured in the window channel. In contrast, the invention recited in claim 1 is configured to be secured in spaced relation to the

window channel such that the window pane may be raised without interference from the window barrier.

For at least the foregoing reasons, it is respectfully submitted that claim 1, and the claims dependent therefrom, are in condition for allowance.

Independent claim 12 recites, *inter alia*, a window barrier comprising a lower frame member including a panel rest portion and a retaining flange, and a connecting portion connecting the panel rest portion and the retaining flange. The panel rest portion is configured to rest against the interior surface of the vehicle door, and the retaining flange is configured to be received within a slot formed within the door intermediate the interior surface and the window panel. Again, Moss et al. simply fails to provide any disclosure of these elements as recited in independent claim 12. Moreover, there is no disclosure in Moss et al. of a lower frame member including either a panel rest portion configured to rest against the interior surface of the vehicle door, or a retaining flange configured to be received within a slot formed within the door intermediate the interior surface and the window panel. With reference to Moss et al., the bottom rail 22 includes channel 26 which receives the upper edge of the open window glass. There is no structure in Moss et al. that could be considered either a panel rest portion or a retaining flange as recited in independent claim 12.

For at least the foregoing reasons, it is respectfully submitted that claim 12, and the claims dependent therefrom, are in condition for allowance.

Independent claim 18 recites, *inter alia*, a window barrier comprising an upper securing member coupled to a barrier frame proximate an upper end thereof, and including a portion configured to be received intermediate the door frame and the door. Claim 18 further recites that movement of the upper end of the barrier frame in a first direction is prevented by the door frame and that movement of the upper end of the barrier frame in a second direction opposite the first direction is prevented by the door. Again, Moss et al. fails to disclose the elements recited in claim 18. More particularly, Moss et al. fails to provide any disclosure of an upper securing member including a portion configured to be received intermediate a door frame and a door, wherein movement of the upper end of the barrier frame in a first direction is prevented by the door frame and movement of the upper end of the barrier frame in a second direction is prevented by the door. Moss et al. provides a top rail 18 having an upright fin 21 which is

configured to be inserted into the upper window channel. There is simply no structure disclosed in Moss et al. which is configured to be received intermediate the door frame and the door and to restrict movement of the barrier frame in the manner recited in independent claim 18.

For at least the foregoing reasons, it is respectfully submitted that claim 18, and the claims dependent therefrom, are in condition for allowance.

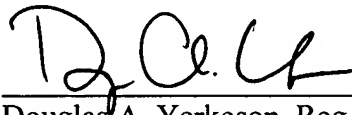
In short, the Examiner has failed to establish a *prima facie* case of anticipation of claims 1-24 under 35 U.S.C. § 102(b). As such, it is respectfully submitted that all of the solicited claims are in condition for allowance.

In view of the foregoing, it is respectfully submitted that all the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during reconsideration of this matter.

Respectfully submitted,



Douglas A. Yerkeson, Reg. No. 39,882
Baker & Daniels LLP
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
mail: Doug.Yerkeson@bakerd.com